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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,775	10/31/2000	Gilles Kremer	PCT/FR98/623	3432
466	7590	04/01/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,775

Applicant(s)

KREMER ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-33 and 36-41 is/are rejected.
- 7) ☒ Claim(s) 34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office action is in response to Applicant's Amendment, filed on 1/22/2004.
2. Claims 1-30 are canceled and claims 31-41 are pending.

Allowable Subject Matter

3. Claims 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 31-33 and 36-41 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Jonsson, Bjorn (WO 96/00485) in view of Berube et al (U.S. Pat. No. 6,342,834).**

As per claims 31-33, 36 and 38-41 Jonsson substantially discloses an authorization for a user to use a service that is provided by a modified pager which calculates a unique response code to a transmitted challenge code based on the challenge code

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(which is readable as Applicant's claimed invention wherein it is stated that a method for transmission of a secured electronic message), comprising:

Receiving by an information processing system, from a user, via a communication network, the message to be transmitted, an identification of the user, and an identification of a destination of said message (see., page 4, lines 24-34, col 5, lines 27-35);

opening a communication session between a remote communication device corresponding to the identification of the destination of said message, and the information processing system (see., page 3, lines 3-36, page 12, lines 20-40),

generating, by said information processing system, a first confidential information for single use that can not be used except during said communication session (see., page 12, lines 20-40, page 13, lines 1-40);

transmitting, by the information processing system, of the first confidential information via a first transmission support (see., page 3, lines 3-10, specifically wherein it is stated that security key or confidential single use);

verifying the first confidential information by said information processing system, and if the first confidential information is verified, supplying the secured message, by the information processing system, to the remote communication device corresponding to the identification of the destination of said message (see., abstract, page 5, lines 1-35, specifically wherein it is stated that comparing (comparing or verifying) the received response code). It is to be noted that Jonsson fails to explicitly disclose that second transmission support different from the first transmission support. However, Berube

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discloses a personal security system that locates emergency transmissions and tracks changes in location between successive transmissions. A identifying signal that includes a tracking bit that is set to a first state for the manually initiated transmission and a second state different from the first state for the automatic transmissions (see., abstract, col 2, lines 4-26). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Jonsson by including the limitation detailed above as taught by Berube because this would permit differentiation at a monitoring station between a first transmission and a second transmission.

As per claim 37, Jonsson discloses the claimed method of characterizing in the first transmission support is a wireless support (see., page 6, lines 23, specifically cellular radio telephone or wireless).

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 1/22/2004 have been fully considered but they are moot in view of new ground (s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

March 29, 2004